

Docket No.: SCHUNKE-3
Appl. No.: 10/693,831

REMARKS

The last Office Action of April 28, 2004 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-8 are pending in the application. No claims have been amended or canceled. Claims 9 and 10 have been added. No fee is due.

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,729,544 to Baumann.

It is noted with appreciation that claims 2-8 are indicated allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, applicant wishes to defer amendments to these dependent claims in view of the arguments presented below regarding amended claim 1.

Record is also made of a telephone interview between applicant's representative and the Examiner which took place on July 23, 2004. The Examiner is thanked for his help and assistance as well as for the courtesies extended to Counsel at that time. During the course of the interview, the present application was extensively discussed, and applicant's representative pointed out to the differences between the subject matter of the present invention, as set forth in original claim 1 and the actuating device of Baumann. More specifically, applicant's representative noted that Baumann's actuating device has precisely those shortcomings that have been discussed in the instant specification in

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paragraph [0006], namely the intervention of a gear mechanism between the potentiometer and the control element (valve 24) being adjusted. As stated in paragraph [0006], the provision of a gear mechanism *"results in an undesired increase in the number of components. Moreover, it is unavoidable that a gap between gear wheels or an elastic deformation of components adversely affects the outcome."*

In contrast to Baumann, the recorder (potentiometer 16) according to the present invention is in direct form-fitting engagement with the output member (13) which is **directly** connected to the control element being adjusted. As described in paragraph [0017] of the instant specification, *"[A]s a result of its direct linkage with the gear wheel 13 as output member of the drive train, the potentiometer 16 can be disposed in proximity of the control element to be adjusted so that any inaccuracy as a result of an elastic deformation, if encountered at all, is negligible."* This immediate proximity of the potentiometer and the control element is not disclosed in Baumann. To the contrary, Fig. 1 of Baumann clearly shows the distal disposition between the potentiometer, arranged on one end of the actuating device, and the valve, arranged on the other end of the actuating device.

The Examiner indicated at the interview that the subject matter of the present invention appears to be distinguishable over the applied prior art, in particular when excluding the provision of a gear mechanism between the potentiometer and the output member. Accordingly, applicant submits herewith a

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new claim 9 which is made dependent on claim 1, and a new independent claim 10 which both set forth the absence of such a gear mechanism.

For the reasons set forth above, it is applicant's contention that Baumann neither teaches nor suggests the features of the present invention, as recited in claims 1 and 10.

As for the rejection of the retained dependent claims, these claims depend on claim 1, share its presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the newly submitted claims. It is thus felt that no specific discussion thereof is necessary.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the

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undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: July 26, 2004
350 Fifth Avenue
Suite 4714
New York, N.Y. 10118
(212)244-5500
HMF:be